

BUILDING CODES

§ 150.01 PURPOSE.

The purpose of this subchapter is to ensure public safety, health and welfare as they are affected by building construction through structural strength, adequate means of egress facilities, sanitary equipment, light and ventilation and fire safety and in general, to secure safety to life and property from all hazards incident to the design and construction of buildings, structures and premises.

(1978 Code, § 4-1-1) (Ord. 2000-O-34, passed 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.02 SCOPE.

The provisions of this subchapter apply to the construction, site work alteration, equipment, addition, repair, replacement, removal, demolition, location, use, occupancy and maintenance of all buildings and structures, and shall apply to existing or proposed buildings and structures; except as otherwise provided for in the Village of Wauconda Zoning Code (Chapter 155), or other ordinances or statutes.

(1978 Code, § 4-1-2) (Ord. 2000-O-34, 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.03 CODES ADOPTED.

The model codes hereinafter set forth are hereby adopted by reference and made a part of this village code, as amended.

- (A) The International Building Code/2003,
- (B) The International Mechanical Code/2003,
- (C) The International Fuel Gas Code/ 2003,
- (D) The International Fire Code/2003,
- (E) The International Property Maintenance Code/2003,
- (F) The National Electrical Code 2005 NFPA 70,
- (G) The International Energy Conservation Code/2003 with the 2004 supplement,
- (H) The International Residential Code/2003 Edition,
- (I) The Illinois State Plumbing Code.

(1978 Code, § 4-1-3) (Ord. 2000-O-34, passed 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.04 AMENDMENTS TO BUILDING CODE.

The following provisions shall further apply and shall supercede any and all references listed within the adopted edition of the International Building Code, 2003 Edition.

Additions, insertions and changes.

(A) Section 101.1: Insert “Village of Wauconda.”

(B) Insert Subsection 106.2.1

Section 106.2.1 Compliance with Plot Plan.

It shall be the responsibility of the builder/developer to submit to the Building and Zoning Department of the Village of Wauconda a spot survey prepared by a Registered Land Surveyor after the foundation is installed. This survey must be at a scale of not less than one inch equal to thirty feet (1 = 30). The survey must also indicate the elevation above sea level of the top of the foundation wall and the top of the curb and sidewalk at lot lines extended relative to a United States Geological Survey Benchmark. No construction will be allowed to proceed except for decking, underground water and sewer, and related items until the spot survey is approved by the Building and Zoning Department. This section applies to principal structures only and not to additions or accessory structures.

(C) Section 106.3.3: “Approval of Part” - Delete in its entirety.

(D) Section 107.0: “Temporary Structures” - Delete in its entirety.

(E) Section 108.1: “Payment of Fees” - Add the following:

Insert “Building Permit fee schedule shall be determined by resolution by the Village Board.”

(F) Section 110.3: “Temporary Occupancy” - Delete entire Section.

(G) Section 112: “Means of Appeal”

Delete 112.1 – 112.3 and Insert:

“Section 112.1 Application for appeal: Any person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

Section 112.2 Membership of Board: The Board of Appeals shall be comprised of the Mayor and Board of Trustees of the Village of Wauconda.

Section 112.3 Open Hearing: All hearings before the Board shall be open to the public and in compliance with the provisions of the Open Meetings Act. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

Section 112.4 Board Decision: The Board shall modify or reverse the decision of the code official by a concurring vote of a majority of its members.

Section 112.5 Court Review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.”

(H) Section 113.4: “Violation Penalties” - Insert the following:

The penalties shall be as determined by resolution by the Village Board.

(I) Table 601: Add the following line Dwelling Unit Separations

There shall be a minimum of a two-hour fire separation surrounding any dwelling of use Groups R-2, R-3 or R-4.

Note: For changes to the Fire protection system requirements see the amendments to the International Fire Code.

(J) Section 901.6: Change to read as follows:

All water flow switches, valve supervision, trouble signals, fire alarm systems shall transmit an alarm to a location approved by the fire official.

(K) Section 903.4.2: Add the following sentence:

Provide a strobe above the fire department connection for all sprinkler and standpipe systems.

(L) Add section 903: Sprinkler system design criteria.

Sprinkler hydraulic designs for NFPA 13 and NFPA 13R systems shall be designed with a minimum of a five (5) pound difference between the sprinkler system design including hose requirements and the available water supply. The five (5) pound safety factor shall be applied to the water flow test after any adjustments for a seasonal low.

(M) Chapter 11: Insert the following text:

When there is a conflict between this subchapter and the Illinois Accessibility Code the stricter of the two codes shall apply.

(N) Sections 1208.2, 1208.2.1 - Delete in its entirety.

Add "Section 1208.2 Ceiling Heights: Habitable rooms shall have a ceiling height of not less than eight (8) feet.

Exceptions: Kitchens, hallways, bathrooms, second floors and basements shall have a ceiling height of not less than seven (7) feet six (6) inches. Knee walls under sloping roofs shall have a finished height measured from the finished floor to the finished ceiling of not less than five (5) feet. Beams and girders spaced not less than four (4) feet on center shall project not more than six (6) inches below the required ceiling height."

(O) Insert Section 1405.3.1: "Metal Buildings Prohibited in CR, CB, GB and LI zones:"

No building shall be constructed in the CR, CB, GB and LI zones in the Village (as described in § 155.024 of the Zoning Regulations of the Village) in which any exterior wall thereof is composed of 40% or more of wrinkled or flat aluminum, wrinkled or flat steel or any other type of combination of ferrous metals, whether coated or not, unless that building is an accessory structure to a principal building on a zone lot, and that building is at least 300 feet in distance from a public roadway in any direction. For purpose of this Section, "principal building" and "zoning lot" shall have the same meaning as that which is ascribed to them in § 155.002 of the Wauconda Municipal Code, and "accessory structure" shall have the same meaning as that which is ascribed to it within § 155.046(A) of the Wauconda Municipal Code."

Add to Section 1406.1: "General:"

"However, no building shall be constructed in the CR, CB, GB and LI zones of the Village (as described in § 155.021 of the Zoning Regulation of the Village) in which any exterior wall thereof is composed of 40% or more of wrinkled or flat aluminum, wrinkled or flat steel or any other type or combination of ferrous metals, whether coated or not, unless that building is an accessory structure to a principal building on a zoning lot, and that building is at least 300 feet in distance from a public roadway in any direction. For purposes of this Section, "principal building" and "zoning lot" shall have the same meaning as that which is ascribed to them in § 155.002 of the Wauconda Municipal Code,

and “accessory structure” shall have the same meaning as that which is ascribed to it within § 155.046(A) of the Wauconda Municipal Code.”

Add to Section 1406.3: “Materials:”

“However, no building shall be constructed in the CR, CB, GB and LI zones of the Village (as described in § 155.021 of the Zoning Regulation of the Village) in which any exterior wall thereof is composed of 40% or more of wrinkled or flat aluminum, wrinkled or flat steel or any other type or combination of ferrous metals, whether coated or not, unless that building is an accessory structure to a principal building on a zoning lot, and that building is at least 300 feet in distance from a public roadway in any distance. For purposes of this Section, “principal building” and “zoning lot” shall have the same meaning as that which is ascribed to them in § 155.002 of the Wauconda Municipal Code, and “accessory structure” shall have the same meaning as that which is ascribed to it within § 155.046(A) of the Wauconda Municipal Code.”

(P) Sections 1808.1 and 1808.23 - Delete in their entirety.

Add “Section 1808.1 General: Construction known as “pole-type” is hereby prohibited.”

Sections 1805.0: Footings and Foundations all references to wood footings and foundations are deleted. The use of wood footings and foundations is prohibited.

(Q) Add section 2301.3: Open web wood trusses.

The use of open web wood floor trusses is not allowed unless the bottom chord is covered with 5/8th inch type X drywall or the area has a fire sprinkler system installed.

(R) Section: 2701.1: Delete the reference to the ICC Electrical Code and add the following paragraph:

The Village Building Official shall require that the provisions of the “National Electric Code: as presently in force or as the same may be hereafter amended or modified, be incorporated herein by reference and adopted as the standard and that all such installations shall conform to the provisions of the “National Electric Code.” Any conflicts concerning the provisions of these codes shall be determined by the strictest standard contained in the provisions.

(S) Section 2901.1: Delete references to the International Plumbing Code and add the following:

The Village Building Official shall require that the provisions of the current “Illinois Plumbing Code Law,” 225 Illinois Compiled Statutes 320/1 *et seq.*, as presently enforced or as the same may be hereafter amended or modified and the same is hereby incorporated herein by reference and adopted as the standard for the purposes of this chapter. Any conflicts concerning the provisions of these codes shall be determined by the strictest standard contained in the code provisions.

(T) Section 2902: Delete the section in its entirety.

(U) Insert Section 3001.5: Stretcher Use. One elevator to be used in all new buildings shall be sized for stretcher use by the fire department.

Minimum size to be 2,500 pounds with a clear inside dimension of six (6) feet eight (8) inches wide by four (4) feet three (3) inches deep with a forty-two (42) inch side slide door.

(V) Section 3003.2: Change to read as follows:

All automatic operation elevators intended to serve the needs of emergency personnel for fire fighting purposes shall be equipped with elevator emergency operations in accordance with ASME A17.1 Sec. 211.3 listed in Chapter 35.

(W) Section 3003.2.1: Add the following:

Smoke detectors shall be installed in each elevator lobby front and rear at each floor, elevator shaft and machine room. The smoke detectors shall be installed in accordance with section 907.0.

(X) Section 3003.2.2: Add the following:

The emergency operation shall be activated by any smoke detector located in elevator lobbies front and rear, elevator shaft and machine room.

The detector installation shall consist of two cross zoned smoke detectors within the elevator lobbies, shaft and machine room or a smoke detector monitored by an alarm verification zone or approved equivalent method.

(Y) Section 3003.2.3: Add the following:

Emergency signs shall be changed to read: A pictograph sign of an approved standard type (Appendix H Figure H1, page 314 ASME A17.1) shall be posted over each elevator call station on all floors front and rear, indicating that in case of fire, the occupants shall not use the elevators and that stairways are the approved method of exit.

(Z) Sections 3410.2: Insert January 1, 1984.

(AA) Chapter 35: Change the following referenced standards

ICC;

Delete the ICC Electrical Code;

Delete the International Existing Building Code;

Delete the International Zoning Code;

Delete the references to the International Plumbing Code in sections 101.4.4, 415.7.4, 717.5, 903.3.5, 1206.3.3, 2901.1, 2902.1, 3401.3 and insert the Illinois Plumbing Code International Private Sewage Disposal Code;

NFPA;

Change or add the standards with the edition listed.

Add the following standards with edition indicated or change to the edition indicated:

NFPA 10 - 2002	NFPA 11 - 2005	NFPA 12 - 2005	NFPA 13 - 2002
NFPA 13D - 2002	NFPA13R - 2002	NFPA 14 - 2003	NFPA 15 - 2001
NFPA 16 - 2003	NFPA 18 - 1995	NFPA 20 - 1999	NFPA 22 - 2003
NFPA 25 - 2002	NFPA 30 - 2003	NFPA 30A - 2003	NFPA 72 - 2002

NFPA 96 - 2004	NFPA 704 - 2001		
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(BB) Adopt Appendix H105 and H106.

(1978 Code, § 4-1-4) (Ord. 2002-O-45, passed 7-16-2002; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.05 AMENDMENTS TO MECHANICAL CODE.

The following provisions shall further apply and shall supercede any and all references listed within the adopted edition of the International Mechanical Code, 2003 Edition.

Additions, insertions and changes.

(A) Section 101.1: Insert “Village of Wauconda.”

(B) Insert Section 102.10: “Prohibited Materials” The use of lead pipe, lead fittings, and lead solder is prohibited.

(C) Sections 106.5.2: Delete in its entirety.

Insert 106.5.2: “Fee Schedule - Building Permit fee schedule shall be determined by resolution by the Village Board.”

(D) Sections 106.5.3: Delete in its entirety.

Insert 106.5.2: “Fee Schedule - Building Permit fee schedule shall be determined by resolution by the Village Board.”

(E) Section 108.4: “Violation Penalties” - Insert the following:

(Specific Offense)	“Violation”
(Amount)	“five hundred (\$500.00)”

Delete “or by imprisonment not exceeding (number of days) or both such fine and imprisonment.”

(F) Section 108.5: “Stop Work Orders” - Insert the following:

(Amount)	“fifty dollars (\$50)”
(Amount)	“five hundred dollars”

(G) Section 109: “Means of Appeal.”

Delete 109.1 - 109.7 and Insert:

“Section 109.1: Application for appeal: Any person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

Section 109.2: Membership of Board: The Board of Appeals shall be comprised of the Mayor and Board of Trustees of the Village of Wauconda.

Section 109.3: Open Hearing: All hearings before the Board shall be open to the public and in compliance with the provisions of the Open Meetings Act. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

Section 109.4: Board Decision: The Board shall modify or reverse the decision of the code official by a concurring vote of a majority of its members.

Section 109.5: Court Review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.”

(H) Chapter 15: Change the following referenced standards:

ICC;

Delete the ICC Electrical Code;

Delete the International Existing Building Code;

Delete the International Zoning Code;

Delete the references to the International Plumbing Code in sections 101.4.4, 415.7.4, 717.5, 903.3.5, 1206.3.3, 2901.1, 2902.1, 3401.3 and insert the Illinois Plumbing Code;

International Private Sewage Disposal Code;

NFPA;

Change or add the standards with the edition listed in the Building Code.

(I) Adopt Appendix A.

(1978 Code, § 4-1-5) (Ord. 2000-O-34, passed 10-17-2000)

(Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.06 AMENDMENTS TO FUEL GAS CODE.

The following provisions shall further apply and shall supercede any and all references listed within the adopted edition of the International Fuel Gas Code, 2003 Edition.

Additions, insertions and changes.

(A) Section 101: Insert “Village of Wauconda.”

(B) Insert Section 102.10: “Prohibited Materials.” The use of lead pipe, lead fittings, and lead solder is prohibited.

(C) Sections 106.5.2: Delete in its entirety.

Insert 106.5.2: “Fee Schedule - Building Permit fee schedule shall be determined by Resolution by the Village Board.”

(D) Sections 106.5.3: Delete in its entirety.

Insert 106.5.2: “Fee Schedule - Building Permit fee schedule shall be determined by Resolution by the Village Board.”

(E) Section 108.4: “Violation Penalties” - Insert the following:

(Specific Offense)	“Violation”
(Amount)	“five hundred (\$500.00)”

Delete “or by imprisonment not exceeding (number of days) or both such fine and imprisonment.”

(F) Section 108.5: “Stop Work Orders” - Insert the following:

(Amount)	“fifty dollars (\$50)”
(Amount)	“five hundred dollars (\$500.00)”

(G) Section 109: “Means of Appeal”

Delete 109.1 - 109.7 and Insert:

“Section 109.1: Application for appeal: Any person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

Section 109.2: Membership of Board: The Board of Appeals shall be comprised of the Mayor and Board of Trustees of the Village of Wauconda.

Section 109.3: Open Hearing: All hearings before the Board shall be open to the public and in compliance with the provisions of the Open Meetings Act: The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

Section 109.4: Board Decision: The Board shall modify or reverse the decision of the code official by a concurring vote of a majority of its members.

Section 109.5: Court Review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.”

(H) Chapter 15: Change the following referenced standards:

ICC;

Delete the ICC Electrical Code;

Delete the International Existing Building Code;

Delete the International Zoning Code;

Delete the references to the International Plumbing Code in sections 101.4.4, 415.7.4, 717.5, 903.3.5, 1206.3.3, 2901.1, 2902.1, 3401.3 and insert the Illinois Plumbing Code;

International Private Sewage Disposal Code;

NFPA;

Change or add the standards with the edition listed in the Building Code.

(I) Adopt Appendix A, B, C.

(Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.07 AMENDMENTS TO FIRE CODE.

The following provisions shall further apply and shall supersede any and all references listed within the adopted edition of the International Fire Code, 2003 Edition”

Refer to Village of Wauconda Code, Title 6, Fire Regulations; Chapter 2, Fire Prevention Code.

(1978 Code, § 4-1-6) (Ord. 2000-O-34, passed 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.08 AMENDMENTS TO PROPERTY MAINTENANCE CODE.

The following provisions shall further apply and shall supercede any and all references listed within the adopted edition of the International Property Maintenance Code, 2003 Edition.

Additions, insertions and changes.

(A) Section 101.1: Insert “Village of Wauconda.”

(B) Section 105.4: Add “for use by Code official” to end of sentence.

(C) Section 111: Means of Appeal”

Delete 111.1 - 111.8 and Insert:

“Section 111.1 Application for appeal: Any person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

Section 111.2 Membership of Board: The Board of Appeals shall be comprised of the Mayor and Board of Trustees of the Village of Wauconda.

Section 111.3 Open Hearing: All hearings before the Board shall be open to the public and in compliance with the provisions of the Open Meetings Act. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

Section 111.4 Board Decision: The Board shall modify or reverse the decision of the code official by a concurring vote of a majority of its members.

Section 111.5 Court Review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer."

(D) Section 302.4: Weeds: Insert "eight (8) inches."

(E) Section 302.8: Motor Vehicles: Delete in its entirety and add "Refer to Title 8, Chapter 6 of the Village Code."

(F) Section 304.3: Amend to read as follows:

Section 304.2 Premises Identification

Section 304.2.1: Numbering Required, Plan: All lots, buildings and structures in the Village shall be numbered in accordance with the following plan:

The base line for streets running north and south shall be Main Street, and numbers lying north or south thereof shall be designated north or south, as the case may be. The base line for streets running east and west shall be Bangs Street, and numbers lying east or west of this line shall be designated east or west, as the case may be. Numbering shall begin at the base line with the number one hundred (100), and one (1) unit shall be allowed for each twenty-five (25) feet of frontage. Provided, that the numbers at each block shall begin with one hundred (100) or multiple thereof. Odd numbers shall be on the north and west sides of the streets.

Section 304.2.2: Chart: The Village Clerk shall keep a chart showing the proper street number of every lot in the municipality, which shall be open to inspection by anyone interested.

Section 304.2.3: Numbers on Houses: It shall be the duty of the owner and occupant of every house or place of business in the Village to have placed thereon, in a place visible from the street, figures at least four (4) inches high, using numbers not script and showing the number of the house.

Add Section 304.2.4: Numbers on Commercial and Industrial Buildings: It shall be the duty of the owner and occupant of every commercial and industrial building or place of business in the Village to have placed thereon, in a place visible from the street, figures at least six (6) inches high, using numbers not script and showing the number of the house.

(G) Section 304.6: Exterior Walls: shall be changed to read:

All exterior walls and trim shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly sealed and surface coated where required to prevent deterioration."

(H) Section 304.14: Insert: screens from "May 1st to October 15th."

(I) Section 602.3: Heat supply required from "September 15th through June 1st."

(J) Section 602.4: Heat supply required from "September 15th through June 1st."

(K) Change the following referenced standards:

ICC;

Delete the ICC Electric Code;

Delete the International Existing Building Code;

Delete the International Zoning Code;

Delete the references to the International Plumbing Code in sections 101.4.4, 415.7.4, 717.5, 903.3.5, 1206.3.3, 2901.1, 2902.1, 3401.3 and insert the Illinois Plumbing Code;

International Private Sewage Disposal Code;

NFPA;

Change or add the standards with the edition listed in the Building Code.

(1978 Code, § 4-1-7) (Ord. 2000-O-34, passed 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.09 AMENDMENTS TO ELECTRICAL CODE.

The following provisions shall further apply and shall supersede any and all references listed within the adopted Edition of the National Electrical Code, 2005 Edition, N.F.P.A. No. 70 and shall prevail in case of conflict with the National Electrical code or with any other provisions of the articles or any other ordinance of the village.

Additions, insertions and changes.

(A) All wiring systems which carry 110 volt or larger shall be installed in rigid pipe, Intermediate metallic conduit (IMC) or Electric metallic tubing (EMT).

(B) In all cases of new residential construction or remodeling or a residential building, all wiring in such buildings shall be of copper and shall be enclosed in 1 of the following conduits:

1. Rigid pipe.

2. Intermediate metal conduit (IMC).

3. Electrical Metal Tubing (EMT).

4. Requirement of rigid metal conduit - all conduit exposed to outside environment must be rigid metal conduit.

5. Flexible metal conduit (greenfield) (FMC limited to 18" exposed unless with installation of dropped ceiling 6 feet is permitted, all other scenarios must be approved by the Electrical Inspector.

Insert 250.4 (C): Service entrance ground: The service entrance ground shall be in conduit from the panel to the ground rod. It shall extend to the street side of the meter with a strap across the meter. The ground and connection shall be tagged.

There shall be a ground bushing on each side of a concentric knock out.

- (C) Article 310.2(B) - Delete "aluminum, copper-clad aluminum, or."
- (D) Article 314-3 shall be deleted and prohibited.
- (E) Article 320 Armored Cable: Type AC shall be deleted and prohibited.
- (F) Article 330 Metal-clad Cable: Type MC shall be deleted and prohibited.
- (G) Article 334 Non-metallic-sheathed Cable: Type NM, NMC and NMS shall be deleted and prohibited.
- (H) Article 394 - "Concealed knob-and-tube wiring" shall be deleted and prohibited.
- (I) Adopt Annexes A, B, C, D.

(1978 Code, § 4-1-8) (Ord. 2000-O-34, passed 10-17-2000; Am. Ord. 2005-O-56, passed 7-19-2005; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.10 AMENDMENTS TO ENERGY CONSERVATION CODE.

The following provisions shall further apply and shall supersede any and all references listed within the adopted edition of the International Energy Conservation Code, 2004 Supplement.

Additions, insertions and changes.

- (A) Section 101.1: Insert "Village of Wauconda."
- (B) Change the following referenced standards:

ICC;

Delete the ICC Electrical Code;

Delete the International Existing Building Code;

Delete the International Zoning Code;

Delete the references to the International Plumbing Code in sections 101.4.4, 415.7.4, 717.5, 903.3.5, 1206.3.3, 2901.1, 2902.1, 3401.3 and insert the Illinois Plumbing Code;

International Private Sewage Disposal Code;

NFPA;

Change or add the standards with the edition listed in the Building Code.

(Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.11 AMENDMENTS TO RESIDENTIAL CODE.

The following provisions shall further apply and shall supersede any and all references listed within the adopted Edition of the International Residential Code, 2003 Edition.

Additions, insertions and changes.

(A) Section R101.1: Insert “Village of Wauconda.”

(B) Section R105.2: Work exempt from permit - delete the following:

- (1) One-story detached accessory structure, provided the floor area does not exceed 200 square feet (18.58 m).
- (2) Fences not over 6 feet (1829 mm) high.
- (3) Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

(C) Table: 301.2(1) the following information shall be inserted in the Table:

Ground Snow Load	25
Wind Speed	3 second 90 normal 75
Seismic Condition	0
Subject to Damage from	SEVERE
Weathering	42
Frost Line Depth	MODERATE to HEAVY
Termite	SLIGHT to MODERATE
Decay	
Winter Design Temperature	-4 degrees
Ice Shield Underlayment	Yes
Flood Hazard	See local flood ordinance
Air Freezing Index	2000
Mean Annual Temp	50 degrees

(D) Section R305.1: Amend to read as follows:

“Section R305.1: Ceiling Height: Habitable rooms shall have a ceiling height of not less than eight (8) feet.

Exceptions: Kitchens, hallways, bathrooms, second floors and basements shall have a ceiling height of not less than seven (7) feet six (6) inches. Knee walls under sloping roofs shall have a finished height measured from the finished floor to the finished ceiling of not less than five (5) feet. Beams and girders spaced not less than four (4) feet on center shall project not more than six (6) inches below the required ceiling height.”

(E) Section R 309.2: Separation Required: Delete words “one-half (1/2) inch gypsum board” and add “five-eighths (5/8) inch gypsum board.”

(F) Section R309.3: Floor Surface: Delete first sentence in its entirety and amend by substituting “Refer to Section 505 Concrete Floors (On Ground).”

(G) Section R309.7 is hereby added to read as follows: “Section R309.7 Curb: A four (4) inch high concrete curb shall be provided between the garage and residence.”

(H) Section R309.8 is hereby added to read as follows: “Section R309.8 Free Standing or Detached Garages: Garages of slab and grade beam construction without footings and permanent foundation walls may be permitted if said garage is separated from the main house or building by no less than ten (10) feet of open space. Said garage shall not be permitted any connection to the main house or building unless a complete footing and foundation system is provided to a depth of no less than forty-two (42) inches below grade.”

(I) R 310.1.4: Operational controls add the following: special knowledge, or force greater than necessary for normal operation of the window.

(J) Sections R311.4, R311.4.1, R311.4.2: Delete in its entirety and add new “Section R311.4 Exit Required: All single-family attached and detached units shall have two (2) exits consisting of one (1) three (3) feet in width and six (6) feet eight (8) inches in height and the other two (2) feet eight (8) inches in width and six (6) feet eight (8) inches in height.”

(K) Section R316.1.1: Add section Foam Insulation Foam insulation shall not be installed exposed. It shall be covered with drywall or other noncombustible material.

(L) 8317.1 Two Family dwellings change 1 hour to 2 hours and delete the exception.

(M) R 323 Flood Resistant Construction delete in its entirety and insert the following:

The Village of Wauconda is a certified community under Lake County Stormwater Commission and all construction will be in compliance with Ordinance No. 2000-O-37 which adopts the Stormwater Development Ordinance of the Village of Wauconda.

(N) Sections R403 and R404.3.3 all references to wood footings and foundations are deleted.

(O) New Subsection R408.7 is added following Subsection R408.7 and shall read as follows:

R408.7 Concrete Slush Coats in Crawl Spaces: All crawl spaces shall have a two (2) inch slush coat installed in all residential crawl spaces. A base course shall be installed in accordance with Subsection 505.2.2.

(P) Add Section R501.3 Open Web Trusses . The use of open web wood floor trusses is not allowed unless the bottom chord is drywalled with 5/8th inch type X drywall or the area is sprinklered.

(Q) Subsection R602.3 is hereby deleted in its entirety without substitution.

(R) Subsection R602.4 is hereby deleted in its entirety and amended to read as follows:

Subsection R602.4 Interior partitions: Exterior walls and all interior bearing and nonbearing partitions shall be constructed of two (2) inch by four (4) inch studs spaced not less than sixteen (16) inches on center with doubled top plates.

Exception: Approval of a single, top plate in connection with a floor or roof truss assembly for interior partitions by the building official and/or an assembly design signed and sealed by a structural engineer.

(S) Subsection R702.5 is hereby deleted in its entirety and amended to read as follows:

Subsection R702.5 Other Finishes: Three-eighths (3/8) inch gypsum board backer shall be installed under any paneling less than one-half (1/2) inch nominal thickness wood veneer or hardboard paneling.

(T) Add section R801.4 Open Web trusses. The use of open web wood floor trusses is not allowed unless the bottom chord is drywalled with 5/8th inch type X drywall or the area is sprinklered.

(U) Village Amendments - Exterior Design/Monotony Code - Exterior Materials - It shall be prohibited for any contractor or builder to construct residential buildings of the same exterior design on more than twenty (20) percent of the lots on the same side of the street of any one block. In computing, the twenty (20) percent requirement referred to in the first sentence of this section, any part of a fraction shall be dropped.

Buildings with the same front exterior design may be constructed adjacent to each other on the same side of the street or across the street from each other where the overlap of frontage is greater than twenty five (25) percent.

Change in front exterior design shall involve a change in the roof line elevations or feature set back variations in the front design of the building.

The addition of an attached garage shall be considered as a front exterior design change.

Changes in windows, doors, shutters, or color of brick or paint shall not be considered as a front exterior design change.

Reversal of plans shall not be considered front exterior design change.

Corner lots shall be considered as fronting on the street on which the minimum of thirty (30) foot setback is established.

Exterior materials for free standing buildings and buildings fronting on more than one street shall have the same material or architecturally harmonious materials used on all exterior walls. Buildings partially free standing shall have the same materials or architecturally harmonious materials used on all exposed portions of all exterior walls. Nothing herein contained shall be held to require the use of more than one material on any wall unless more than one material is used for other exposed walls.

Any appeal from these restrictions shall be made to the Village Administrator.

(V) Delete Chapters 25, 26, 27, 28, 29, 30, 31, and 32. Refer to State of Illinois Department of Public Health Plumbing Code of 2004 as adopted and amended in section 1998.

(W) Delete Chapters 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and insert the 2005 edition of NFPA 70 as adopted and amended in § 150.09

(X) Adopt Appendices A, B, C, G, K.

(1978 Code, § 4-1-9) (Ord. 2000-O-34, passed 10-17-2000; Am. Ord. 2001-O-08, passed 2-20-2001; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.12 AMENDMENTS TO ILLINOIS PLUMBING CODE.

The following provisions shall further apply and shall supersede any and all references listed within the adopted edition of the Illinois Plumbing Code 2004 Edition.

The use of foam core drain, waste and vent piping is not allowed.

(Am. Ord. 2005-O-82, passed 11-1-2005)

§ 150.13 LIMITATION ON CONSTRUCTION HOURS.

(A) *General construction and carpentry.*

(1) There shall be no outdoor construction or carpentry activities generating noise at any time other than the following.

Monday through Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sundays and National Holidays	8:00 a.m. to 4:00 p.m.

(2) Construction activity for emergencies may be allowed during the restricted time periods only upon issuance of a permit by the Building Commissioner.

(B) *Operation of heavy construction equipment, trucks of Class D and above registration, excavation and demolition.*

(1) There shall be no operation of heavy construction equipment, or excavation or demolition activities involving the use of excavating or earth-moving equipment including loaders, back-hoes, jack hammers or similar equipment on Sunday or National holidays or at any time other than the following.

Monday through Friday	7:00 a.m. to 5:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.

(2) Construction activity for emergencies may be allowed during the restricted time periods only upon issuance of a permit by the Building Commissioner.

(1978 Code, § 4-1-10) (Ord. 2000-O-34, passed 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

CHAPTER 93: FIRE PREVENTION

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GENERAL PROVISIONS

§ 93.01 ADOPTION OF FIRE PREVENTION REGULATIONS.

(A) For the purpose of governing conditions hazardous to life and property from fire or explosion, there is hereby adopted by the Board of Trustees and incorporated herein by this reference as fully as if set out at length herein:

That certain code known as the International Fire Code/2003 edition.

(B) The provisions of the aforesaid Code as amended herein, together with this subchapter, shall be fire prevention regulations within the corporate limits of the village from and after the effective date hereof. Three copies of the aforesaid Code have been filed for more than 15 days prior to its adoption herein in the Office of the Clerk of the Village, at 101 N. Main Street, where same remain on file and shall continue to be on file and available for use and reference in said office by any interested person. If there is any conflict between the language contained herein and the language of the aforesaid Code and revision adopted herein by reference, the language contained in this subchapter shall prevail over the language of the aforesaid Code and revision.

(1978 Code, § 6-2-1) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2000-O-35, passed 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.02 ESTABLISHMENT AND DUTIES OF FIRE MARSHAL.

(A) The Fire Prevention Code shall be enforced by the Village Fire Marshal, Deputy Fire Marshal and firefighters assigned to inspection duties by the Fire Marshal or Deputy Fire Marshal.

(B) The Fire Marshal and the Deputy Fire Marshal shall be appointed by the President, with the advice and consent of the Board of Trustees.

(C) The Fire Marshal and the Deputy Fire Marshal shall be selected from the roster of the Wauconda Fire Department.

(1978 Code, § 6-2-2) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.03 AMENDMENTS TO INTERNATIONAL FIRE CODE.

The following provisions shall further apply and shall supersede any and all references listed within the adopted Edition of the International Fire Code, 2003 Edition

Additions, insertions and changes.

- (A) Section 101.1: Insert the Village of Wauconda.
- (B) Section 103.1: General Add the following: The Fire Marshal is hereby designated the Fire Code Official.
- (C) Section 105.1.1: Delete fees.
- (D) Section 105.3: Conditions of Permit: Add the following:

No permit shall be valid for a period in excess of one year. A permit may be issued for a period of less than one year when the Fire Inspector deems that a special hazard exists.

- (E) Section 108: “Board of Appeal”

Delete 108.1 - 108.3 and Insert:

“Section 108.1 Application for Appeal: Any person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

Section 108.2 Membership of Board: The Board of Appeals shall be comprised of the Mayor and Board of Trustees of the Village of Wauconda.

Section 108.3 Open Hearing: All hearings before the Board shall be open to the public and in compliance with the provisions of the Open Meetings Act. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

Section 108.4 Board Decision: The Board shall modify or reverse the decision of the code official by a concurring vote of a majority of its members.

Section 108.5 Court Review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.”

- (F) Section 304.4: Waste Material Buildings is amended by adding the following section:

Any building which handles or stores large quantities of waste paper, rags, or other combustible materials for recycling shall be equipped with an approved automatic sprinkler system.

- (G) Sections 307.2, 307.3 and 307.4: Delete in their entirety Open burning is not allowed.

- (H) Add new section 308.6 Portable outdoor fireplaces:

Portable outdoor fireplaces shall be used only on noncombustible surfaces and shall be operated no closer than fifteen (15) feet from any flammable structure. Fuel for any outdoor fireplace shall consist of only seasoned, dry fire wood and shall be ignited with a small quantity of paper.

- (I) Add Section 503.2.8311.4: Fire Lanes on Private Property, Devoted to Public Use, is hereby amended in its entirety to read as follows:

a. Public or private access shall be provided to each building so that the responding fire apparatus units will be able to be so located that all points of the interior of the building may be reached by one hundred fifty feet (150) of initial

attack hose. Where the size or height of the building does not allow this regulation to be met, an interior stand-pipe system equipped with Fire Department hose connections approved by the Fire Marshal may be allowed as an exception. The stand-pipe shall be connected to a public water system.

b. Public or private access for motor fire apparatus shall be provided around the building so that there may be proper operation of ladders and mechanical elevated mechanisms. Fire lanes shall be all-weather roadways at least twenty feet (20) in width with greater widths to accommodate vehicles when turning.

c. Access routes shall be so arranged that Fire Department apparatus may respond from all points of the building to adjacent fire hydrants along routes not to exceed three hundred feet (300) from the most remote point of the building to the nearest fire hydrant.

d. Fire lanes on private property shall be designated by the Fire Marshal, and parking of motor vehicles or otherwise obstructing such fire lanes or access routes shall be prohibited at all times.

e. All designated fire lanes are to be either marked or posted with a designated sign with the approval of the Fire Marshal.

(J) Add Section 506.1.2: All key boxes (burglar or fire) shall have a tamper switch or be recessed.

(K) Section 508: See section 6-2-4.

(L) Section 804.1.1: Change the section as follows:

Christmas Trees. All public places, businesses, mercantile, industry, places of assembly, and common areas of multi-family buildings shall not have live Christmas trees or similar products on the premises.

(M) Add section 901.3.1 All fire alarm, detection and suppression systems shall be approved by the Fire Marshal.

(N) Section 903.2.1 - 903.2.9: Sprinkler Systems. Delete the section and add the following:

a. New construction. Automatic sprinkler systems shall be installed in all new commercial and industrial occupancies of one thousand five hundred (1,500) square feet or more, gross building area. Automatic sprinkler systems shall be installed in all new health care, institutional, education, hotels, motels, dormitories, non-residential day care, and bed and breakfast facilities regardless of size. Automatic sprinkler systems shall be installed in accordance with the National Fire Protection Association Standard No. 13, 2002 Edition. The system shall also have the approval of the Village Fire Marshal in respect to design, installation, and number of fire zones.

b. Existing buildings.

1. If the structure is larger than two thousand five hundred (2,500) square feet gross building area and if the structure is enlarged in any manner, a sprinkler system shall be installed.

2. If any existing building is enlarged to two thousand five hundred (2,500) square feet or more gross building area, the building shall be equipped with a sprinkler system.

3. Interior alterations. Existing buildings, two thousand five hundred (2,500) square feet or larger gross building area: Interior alterations to an existing structure which are structural or affect any structural member or any part of the structure having a required fire resistance rating and effect ten percent (10%) or more of the structure shall be evaluated by the Building Commissioner, in conjunction with the Fire Marshal. The Building Commissioner and the Fire Marshal shall determine if fire and life safety have been affected to the degree to necessitate a sprinkler system.

4. Change of occupancy. When there is a change in use or occupancy of an existing building two thousand five hundred (2,500) square feet or larger gross building area; the Building Commissioner in conjunction with the Fire Marshal shall determine if fire and life safety have been effected to the degree to necessitate a sprinkler system.

c. Downtown Business District.

1. Anything else in this Code to the contrary notwithstanding, the following regulations shall apply to all occupancies within the Downtown Business District, which is defined as all properties with frontage on Main Street between Liberty Street and Slocum Lake Road.

2. Existing occupancies within the Downtown Business District which are required to install a sprinkler system pursuant to the terms of Section F-503.7.B, may substitute a sprinkler system that complies with the following requirements:

(i) Sprinkler systems shall comply in all respects with the requirements of Section F-503.7.B, except that such systems may be supplied by a minimum 3/4-inch (3/4") diameter domestic water supply source.

(ii) All sprinkler systems installed pursuant to this section must include a Fire Department Connection, the location of which shall be approved by the Fire Marshal or Deputy Marshal prior to installation.

(iii) All sprinkler systems installed pursuant to this section must be tied to a Fire Detection System meeting NFPA 72 standards. Fire detection devices shall be smoke detectors, except that alternative detectors may be installed in areas where products of combustion are present during normal use in sufficient quantity to cause activation of the alarm system. In such conditions, the alternative detector must be approved by the Fire Marshal or Deputy Fire Marshal prior to installation. The Fire Detection System must include manual pull stations, audio/visual devices, tamper switches and flow alarms, as approved by the Fire Marshal or Deputy Fire Marshal prior to installation. All automatic Fire Detection and Fire Suppression Systems shall transmit to and be supervised by the Wauconda Municipal Panel.

(iv) All sprinkler systems installed pursuant to this section shall be approved as to riser diagrams and back flow prevention devices by the Village Public Works Department prior to installation.

(v) In any occupancy where a sprinkler system is to be installed pursuant to this section, a minimum 2-hour fire separation must be provided between any residential use and any other use.

(O) Section 906.1: Fire Extinguishers Where Required add as follows:

1. Fire extinguishers are required in all occupancies and buildings.

(P) Section 907.2: Delete 907.1 - 907.9 Fire Alarm Systems add the following new section:

a. Fire alarm systems in new construction: A fire alarm system shall be installed in all new assembly, business, educational, factory, industrial, high hazard, institutional, mercantile, storage, utility, miscellaneous, health care, hotel, motel, dormitories, non-residential day care, bed and breakfast facilities, mixed use, and buildings with four or more dwelling units.

1. The system shall contain automatic detecting devices, manual pull boxes, horn/strobe, and a remote signaling system connected to the Municipal Alarm Panel.

2. The system shall be designed, installed and maintained according to the National Fire Protection Association No. 72, 2002.

b. No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. No person shall activate any installed fire-warning system or any fixed fire extinguishing system for purposes other than emergency, maintenance, drills or prescribed testing. All persons performing maintenance, testing, or drills shall notify the Fire Department prior to the initiation of such activities. All persons shall notify the Fire Department when such activities have concluded.

c. Digitized Data Computer format plans may be required in addition to regular print submittal for subdivision and or building plans. Type of computer format plans shall be specified by the Wauconda Fire Department.

(Q) Section 907.3 Delete the section and add the following:

a. Fire Alarm Systems in Existing Construction: The listed structures and occupancies shall install an approved fire alarm system with a remote signaling connection to the Village Alarm Panel when there is a change of occupancy, or a modification, alteration, or enlargement of the structure. (*See exception herein.)

1. Residential - hotels, motels, lodging homes, dormitories and buildings with four or more dwelling units sharing a common area, assembly, health care, factory, high hazard, institutional, utility and miscellaneous, and mixed uses.

2. Schools - all schools with more than thirty (30) students in attendance at one time.

3. Business - All mercantile, industrial, or business buildings and any building used for the manufacture, sale, or storage of combustible materials.

4. Day Care Facilities other than Home Day Care.

5. Mixed occupancies - Any combination of the listed occupancies or combination of those listed with residential occupancies.

Exceptions: In buildings accessory to the principal use on the lot and existing buildings of less than two thousand five, hundred (2,500) square feet, the Fire Marshal, with the advice of the Building Commissioner, shall determine the extent of compliance necessary to maintain reasonable life safety.

(R) Section 1001.3: Displays add section which reads: "Thirty-six inches (36)" shall be the minimum required width of all aisles, passageways or stairways in all public buildings.

(S) Chapter 22 see [§§ 93.25](#) *et seq.* of this chapter.

(T) Section 2701.1.2: Identification of Hazardous or Flammable Vapors, Liquids, or Solids

Add the following: All reactive flammable and toxic gases, fluids, and solids shall be identified in a manner approved by the Fire Inspector and shall be in compliance with National Fire Protection Association No. 704 M, Identification System for Fire Hazards or Materials, 1996 Edition.

(U) Section 2701.1.3: Establishment of Motor Vehicle Routes Transporting Hazardous Chemicals or other Dangerous Articles is amended:

Owners of vehicles involved in intrastate shipments are permitted to transport hazardous chemical and other dangerous articles north and south via U.S. Route 12, east and west via Illinois Route 176 and Illinois Route 59 within the corporate limits of the Village of Wauconda. Such vehicles may leave the designated routes to make deliveries within the corporate limits of the Village of Wauconda.

(V) Add section 3301.9: Interior fire works or pyrotechnics.

The use of fire works or pyrotechnics inside of any building or structure is not allowed.

(W) Section 3308.1: Fireworks Display is amended in its entirety to read as follows:

The sale, possession, use and distribution of fireworks for display purposes shall be prohibited within the corporate limits of the Village of Wauconda. Includes any pyrotechnic display.

The definition of fireworks shall be as defined in the Illinois State Fire Marshals Act.

(X) Section 3401.1.1: Flammable Liquids Scope add the following:

There are hereby adopted standards for gasoline and volatile oils in compliance with the State of Illinois, Administrative Code, Title 41, Chapter 1, and Parts 160, 170 and 180. National Fire Protection Association Standard No. 30 and 30A, 2002 Edition shall also be applicable.

See [§§ 93.25](#) *et seq.* of this chapter.

(Y) Section F-3404.2.11: Installation of Underground Tanks is eliminated in its entirety.

Installation of underground tanks shall be in conformance with State and Federal regulations.

(Z) Section 3405.1.1: Dispensing Systems is amended by adding the following:

(1) Dispensing units may not be located inside a building.

(AA) Section 3406.4: Bulk Plants.

The limits referred to in Section F-3208.11.5, in which addition to existing bulk plants or new bulk plants for flammable or combustible liquids are prohibited are hereby established as follows:

Within the corporate limits of the Village of Wauconda.

(BB) Chapter 38 Liquefied Petroleum Gases: See [§ 93.45](#) of this chapter.

(CC) Section 3801.3: Change 2,000 gallons to 2,500 gallons.

(DD) Chapter 45 Change the following referenced standards:

ICC;

Delete the ICC Electrical Code;

Delete the International Existing Building Code;

Delete the International Zoning Code;

Delete the references to the International Plumbing Code in sections 903.3.5, 912.5, 221.2.32704.2.2.6 and insert the Illinois Plumbing Code;

International Private Sewage Disposal Code;

NFPA;

See the Building Code for changes to these standards.

(1978 Code, § 6-2-3) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2000-O-35, passed 10-17-2000; Am. Ord. 2004-O-01, passed 1-20-2004; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.04 WATER SUPPLIES FOR FIRE DEPARTMENT USE.

(A) All newly constructed buildings shall be served by a public water supply meeting the regulations of this Village Code.

(B) Fire hydrants shall be located adjacent to all public roadways or private roadways, fire lanes or access ways that are properly maintained. Hydrants located approximately 10 feet from the roadway shall be deemed to meet accessibility for motorized fire apparatus.

(C) Fire hydrants shall have a minimum size of not less than a 6-inch barrel, 5-inch operating valve, with 2 outlets of 2½ inches and 1 outlet of 4½ inches. Branch lines serving hydrants shall be provided with auxiliary gate valves.

(D) Water supplies shall be provided for buildings commensurate with the hazards contained therein. Calculations of quantities necessary shall be provided by the building designer subject to the approval of the Fire Marshal.

(E) In new construction of water mains whether to be privately owned or publicly owned, the size of the water mains shall be as specified by the Village Engineer and Fire Marshal.

(1978 Code, § 6-2-4) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.05 VILLAGE; COMPLIANCE WITH CODE.

Damaged buildings. It shall be unlawful to remodel or alter any wood frame building or structure within the village limits which has been damaged, injured, or decayed to 50% of its value unless it be substantially rebuilt according to the current Village Codes for the type of occupancy. In the case of any decay, damage or injury to any such building, where a permit to remodel or alter is sought, the Building Commissioner and the Fire Marshal shall act as a committee to determine the extent of the damage done. If the committee determines that the building is damaged to 50% or more of its value, no permit for reconstruction or remodeling shall be issued except as otherwise herein provided.

(1978 Code, § 6-2-5) (Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.06 ORDINARY CONDUCT REQUIREMENTS.

(A) *Spread of fire.* No person shall knowingly permit any fire to spread so as to endanger the life and property of another, or use and/or operate any device which may be a source of ignition unless proper removal of flammable material surrounding the operation is accomplished or such other reasonable precautions are taken to ensure against the starting or spreading of unfriendly fires.

(B) *Notifying Fire Department.* Whenever an unfriendly fire occurs in any building or on any premises of any kind, the owner, manager, occupant or any person in control of such building or premises, upon discovery of an unfriendly fire, or evidence of there having been an unfriendly fire, even though it has apparently been extinguished,

immediately shall cause notice of the existence of such fire, circumstances of same and the location thereof to be given to the fire department. This requirement shall not be construed to forbid the owner, manager or other person in control of the aforementioned building or premises from using all diligence necessary to extinguish such fire prior to arrival of the fire department. No person shall make, issue, post or maintain any regulation or order, written or verbal, that would require any person to take any unnecessary delaying action prior to reporting a fire to the Fire department. It is the intent of this section to also insure that any alarm received from a fire protection system shall be immediately reported to the Fire Department. No person shall delay this notification for any reason.

(C) *Reporting hazardous conditions.* Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment or other material of any kind in any building, marine vessel, appliances, apparatus, tank or open stack or pile, or any person upon discovering or being appraised of any uncontrolled hazardous gas leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire Department.

(D) *Maintaining a fire hazard.* No person shall knowingly maintain a fire hazard.

(Ord. 1977-O-9, passed 3-15-1977)

(E) *Christmas trees.* All public places, business, mercantiles, industry, places of assembly and common areas of multiple family buildings shall not have live Christmas trees or similar products on the premises.

(F) *Fire procedure evacuation notices.* Hotels, motels and similar occupancies designed for or used by transients shall have an approved copy of fire safety regulations for transients conspicuously posted in the lobby and each occupancy unit and at such other locations as may be required by the Fire Marshal. Owners, managers and agents of multiple dwelling units with 3 or more living units, shall post and maintain in a conspicuous location within each dwelling a notice in writing which explains what procedures to use in the event of a fire. The notice shall contain a diagram of all fire exits.

(G) *Notification of the Fire Department of inoperative fire safety equipment.* Persons owning, controlling or otherwise having charge of any fixed fire extinguishing or fire warning system or standpipe system shall notify the Fire Department at any time such system or systems are inoperative or taken out of service. The Fire Department shall also be notified when service is restored.

(Ord. 1977-O-9, passed 3-15-1977)

(H) (1) *Fire doors.* Fire doors shall be kept closed at all times.

(2) *Exception.* This division shall not apply to doors held open with automatic releasing d hold-open devices installed and maintained in accordance with the requirements of *Standard on Fire Doors and Windows*, NFPA 80 - 1999.

(I) *Interference with fire protection equipment.* No person shall render inoperative any portable or fixed fire extinguishing system or device or any fire warning system other than during emergencies, maintenance, drills or prescribed testing.

(J) *Precautions inside buildings.*

(1) *Sweeping compounds.* Only approved water solutions or detergents, floor sweeping compounds and grease absorbents shall be used for cleaning floors. The use of sawdust or other similar combustible or flammable liquids spilled or dropped from machinery or processes on any floor is prohibited.

(2) *Stock to be kept orderly.* All stock shall be kept in a neat orderly and compact manner, in accord with good housekeeping.

(3) *Fire extinguishers.* Fire extinguishers shall be provided in all buildings except single-family dwellings.

(4) *Fire.* No person, by careless or intentional use of flame-producing devices, by smoking or attempting to light or smoke cigarettes, cigars, pipes or tobacco in any manner in which lighters or matches are employed, shall in a careless, reckless or negligent manner whatsoever, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, house or any household fittings or any parts of any building whatsoever so as to endanger life or property in any way or extent.

(Ord. 1977-O-9, passed 3-15-1977)

(5) *Alarm of fire when no fire exists.* No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. No person shall activate any installed fire-warning system or fixed fire extinguishing system for purposes other than emergency, maintenance, drills or prescribed testing. All persons performing maintenance, testing or drills shall notify the Fire Department prior to the initiation of such activities. All persons shall notify the Fire Department when such activities have concluded.

(K) *Computer format plans.* Digitized data computer format plans may be required in addition to regular print submittal for subdivision and or building plans. Type of computer format shall be specified by the Fire Department.

(Ord. 1996-O-02, passed 1-6-1996)

(1978 Code, § 6-2-6) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2000-O-35, passed 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.07 APPEALS.

See Building Code § 121, adopted in Chapter 150.

(1978 Code, § 6-2-8) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.08 PERMITS AND APPROVALS.

(A) Not applicable to 1-and 2-family uses.

(B) Any other language to the contrary notwithstanding, no permit or approval shall be required from the Fire Marshal for the use, construction, change or addition to a building or structure used or to be used only for single-family or 2-family detached residential purposes, or for a garage which is incidental to said uses. No person shall begin construction or make a change of structure or addition to any building or structure, except those for single-family or 2-family detached residential purposes as aforesaid, or the garage which is incidental to said uses, without first submitting reasonable plans for such construction, addition or structural change to the Fire Marshal for his review and approval as being in compliance with this subchapter.

(Ord. 1977-O-9, passed 3-15-1977)

(1978 Code, § 6-2-9) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.09 NEW MATERIALS, PROCESSES OR OCCUPANCIES REQUIRING PERMITS.

The Building Commissioner, Director of Public Works, the Fire Marshal and the Fire Chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in this code. The Fire Marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Ord. 1977-O-9, passed 3-15-1997)

(1978 Code, § 6-2-12) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.10 VILLAGE COMPLIANCE WITH CODE.

(A) *Appendix.* See Appendix in the Building Code Fire Districts.

(B) *Boundaries.* All property within the village zoned for any other than 1- and 2-family residential use, R-1, R-2, R-3, R-4 and R-5, is hereby declared to be in and established as the fire limits of the village.

(C) *Limitations.* All limitations as to height of buildings, setbacks, depth of yards, intensity of use of lots, parking areas, and all other requirements a provided by the Building Code of the village shall apply to location and construction of buildings in each zone.

(D) *Adopted regulations.* All buildings within the fire limits shall comply with the regulations of the Building Code and Fire Codes. No building shall be enlarged within the fire limits unless the enlarged portion also complies with the foregoing codes. No building or wood from or unprotected noncombustible construction shall be structurally altered within the fire limits, unless it is determined by the Fire Marshal and Building Commissioner that such alteration does not increase the fire danger.

(E) *Moving buildings.* It shall be unlawful to move into the fire limits any wood frame building which could not be constructed in the fire limits within the provisions of the code; and it shall be unlawful to move any such wood frame building from 1 location or lot within the fire limits.

(Ord. 1977-O-9, passed 3-15-1977)

(F) *Damaged building.* It shall be unlawful to remodel or alter any wood frame building or structure within the village limits which has been damaged, injured, or decayed to 50% of its value unless it be substantially rebuilt according to the current village codes for the type of occupancy. In the case of any decay, damage or injury to any such building, where a permit to remodel or alter is sought, the Building Commissioner and the Fire Marshal shall act as a committee to determine the extent of the damage done. If the committee determines that the building is damaged to 50% or more of its value, no permit for reconstruction or remodeling shall be issued except as otherwise herein provided.

(Ord. 1996-O-02, passed 1-16-1996)

(1978 Code, § 6-2-14) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.11 KEYS FURNISHED TO FIRE MARSHAL.

(A) *Section 506.* See § 506.

(B) *Keys required.* All owners, operators or tenants of buildings containing industrial, commercial, multiple residency units, or a material yard for construction materials, are required to furnish to the Fire Marshal on request, keys to various spaces hereinafter described. Failure to furnish such keys constitutes a violation of this section.

(C) *Installation.* When access to or within a structure, or an area on said premises, is unduly difficult because of secured openings, and where immediate access is necessary for lifesaving or firefighting purposes, the Fire Marshal may require a key box to be installed in an approved location. The key box shall be a type approved by the Fire Marshal.

(D) *Contents.* The key box shall contain:

- (1) Keys to locked points of egress whether on the interior or exterior of such buildings.
- (2) Keys to locked mechanical rooms.
- (3) Keys to locked electrical rooms.
- (4) Keys to elevator controls.
- (5) Keys to other areas as directed by the Fire Marshal.

(Ord. 1989-O-11, passed 5-2-1989)

(1978 Code, § 6-2-15) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

GASOLINE AND VOLATILE OILS

§ 93.25 ADOPTION OF STANDARDS.

(A) There are hereby adopted standards for gasoline and volatile oils in compliance with the State of Illinois, Administrative Code, Title 41, Chapter 1, Parts 160, 170 and 180. National Fire Protection Association Standard No. 30 and 30A, 2002 Edition shall also be applicable.

(Ord 1996-O-02, passed 1-16-1996)

(B) Service stations operated within the village shall comply with the standards herein adopted.

(Ord. 1991-O-7, passed 3-19-1991)

(1978 Code, § 6-3-1) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.26 DEFINITION.

A ***SERVICE STATION*** is any place of business where any flammable or combustible liquid is sold or offered for sale.

(1978 Code, § 6-3-2) (Ord. 1991-O-7, passed 3-19-1991; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.27 LICENSE REGULATIONS.

It shall be unlawful to conduct or operate a service station in the village without having first obtained a license therefor. The annual fee for such license shall be \$15 for the first 3 dispensers and \$5 for each additional dispenser.

(1978 Code, § 6-3-3) (Ord. 1991-O-7, passed 3-19-1991; Ord. 2001-O-32, passed 7-17-2001; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.28 NONSERVICE STATION OPERATIONS.

Any person maintaining or operating any storage tank for flammable or combustible liquids shall comply with all of the provisions of this subchapter other than the requirement for the payment of a fee.

(1978 Code, § 6-3-4) (Ord. 1991-O-7, passed 3-19-1991; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.29 FLAMMABLE OR COMBUSTIBLE LIQUID STORAGE.

All flammable or combustible liquids at service stations shall be contained in underground storage tanks. Flammable and combustible liquids at nonservice station operations may be stored under ground or above ground.

(1978 Code, § 6-3-5) (Ord. 1991-O-7, passed 3-19-1991; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.30 ABOVEGROUND STORAGE.

Above ground storage for flammable and combustible liquids shall meet the following minimum standards in addition to those standards in [§ 93.25](#):

- (A) The tank shall be fire resistive and have the ability to withstand a liquid pool fire generated by its maximum capacity spill.
- (B) The tank assembly shall have a minimum of a 2-hour fire rating.
- (C) The tank shall carry a U.L. listing as an aboveground flammable liquid tank.
- (D) The installation of tanks within buildings shall be strictly prohibited.
- (E) Clearance shall be provided beneath the tank or tank assembly so as to permit visual inspection.
- (F) Tanks shall be provided with overfill protection.
- (G) All exposed fuel piping shall be installed within a secondary containment pipe or system.
- (H) Aboveground tanks shall have a maximum capacity of 2,500 gallons.

(1978 Code, § 6-3-6) (Ord. 1991-O-7, passed 3-19-1991; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.31 CONSTRUCTION SITE STORAGE.

All storage of flammable and combustible liquids shall meet the following minimum requirements:

- (A) An inspection shall be made by the Village Fire Marshal prior to operation.
- (B) All tanks shall be in a chain link fence at least 6 feet in height, secured by lock and key.

- (C) There shall be a minimum 10-foot distance between the tank(s) and the fence on all sides.
- (D) All dispensing valves shall be secured by lock and key.
- (E) All storage shall be in steel tanks specifically designed for flammable liquid storage and dispensing and the tank(s) shall carry an approved testing agency listing.
- (F) All storage tanks shall be of the aboveground stand type or the aboveground skid types.
- (G) No site shall have more than 1,000 gallons of flammable liquids and 1,000 gallons of combustible liquids. Each tank shall be no more than 500 gallons.
- (H) All construction site storage shall comply with Illinois Administrative Code, Title 41, Chapter 1, applicable parts of 160, 170 and 180.

(1978 Code, § 6-3-7) (Ord. 1991-O-7, passed 3-19-1991; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.32 EQUIVALENCY.

Nothing in this subchapter is intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability and safety over those prescribed by this code, provided technical documentation is submitted to the Fire Marshal to demonstrate equivalency and the system, method or device is approved for the intended purpose.

(1978 Code, § 6-3-8) (Ord. 1991-O-7, passed 3-19-1991; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.33 ENFORCEMENT.

The Fire Marshal shall enforce the regulations adopted in this subchapter.

(1978 Code, § 6-3-9) (Ord. 1991-O-7, passed 3-19-1991; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

LIQUEFIED PETROLEUM GAS

§ 93.45 REGULATIONS; USE; PERMIT.

(A) Standards for storage and handling of liquefied petroleum gases as contained in the 2004 Edition of Standard No. 58 by the National Fire Protection Association are mandatory and are adopted and incorporated by this reference. Any person, firm, or corporation storing or handling such products shall comply with the foregoing standards and failure to comply with said standards is prohibited.

(B) Standards for the installation of gas appliances and gas piping as contained in the 2002 Edition of Standards No. 54 by the National Fire Protection Association are mandatory and are adopted and incorporated by this reference. Any person, firm or corporation storing or handling such products shall comply with the foregoing standards and failure to comply with said standards is prohibited.

(Ord. 1996-O-02, passed 1-16-1996)

(C) Installations must be in compliance. The installation of containers by every person, firm or corporation making such installation and the design, construction and location of such containers and pertinent equipment, shall be in compliance with this subchapter. In any instance where a container of approved construction or design has been used to contain anhydrous ammonia or any other product, the container shall be thoroughly purged of the other product before it is placed into service for liquefied petroleum gas and a tag attesting to the thorough purging of the container shall be placed near the fill valve of the container before liquefied petroleum gas is placed into the container.

(Ord. 1990-O-1, passed 1-16-1990)

(D) (1) The maximum allowable size container used for distribution of liquefied petroleum gas in a GB Zoning District shall be 1,000 gallons of water capacity. The total aggregate of all fixed containers on site in a GB Zoning District shall be no more than 1,000-gallons' water capacity.

(2) The maximum allowable size aboveground container used for distribution of liquefied petroleum gas in an LI Zoning District shall be 1,000 gallons of water capacity. The total aggregate of all fixed aboveground containers on site in an LI Zoning District shall be no more than 1,000 gallons. The maximum allowable mound tank or burial tank shall be 60,000-gallons water capacity.

(Ord. 1991-O-36, passed 9-17-1991)

(E) (1) Plans for fixed installations shall be submitted to the Village Fire Marshal before construction.

(2) Plans must show the following: The plot of ground to be utilized and its immediate surroundings on all sides, the complete layout of the tanks, the capacity of each tank, the type of tank, supports, type of construction of each building and all clearances.

(F) (1) At fixed installations the facilities shall be enclosed with a protective fence and crash posts as specified by the Village Fire Marshal. Where these facilities are located at an establishment completely enclosed by fencing equivalent to that hereinafter set forth, an additional enclosure for facilities within the establishment shall not be required, except that such container facilities shall be enclosed or encircled by a guard rail or by posts 6 inches or more in diameter set in firm ground to a depth of at least 24 inches and rising above ground to a height of thirty 30 inches or more set at intervals of not more than 4 feet center to center.

(2) Building walls or buildings that are part of the establishment and are so located together with adjacent fencing to enclose the facilities shall be acceptable as a portion of any necessary fencing.

(Ord. 1990-O-1, passed 1-16-1990)

(G) Lights conforming to National Fire Protection Association Standard No. 58, 1995 Edition will be provided to illuminate storage containers, control valves and other equipment.

(Ord. 1996-O-02, passed 1-16-1996)

(H) Operation of installation prohibited until final inspection and approval.

(I) No supplier shall service any installation not in compliance with the law.

(J) Personnel must be properly trained. Personnel performing installation, service, operation and maintenance work must be properly trained in such work. The training course(s) must be approved by the Village Fire Marshal. Those persons successfully completing such courses must conspicuously post a completion certificate at the tank location.

(K) No person other than the trained attendant may dispense any liquified petroleum gas.

(L) No person under the age of 18 may dispense any liquefied petroleum gas. No person under the age of 16 may be dispensed to.

(M) Maximum size portable tank to be filled shall be 60 gallons.

(N) In addition to the aforementioned requirements, this subchapter shall adopt and incorporate by reference Title 41 of the Illinois Administrative Code, Chapter 1, Part 200, State Fire Marshal; Storage Transportation, Sale and Use of Liquefied Petroleum Gas, as in effect June 1, 1984. References to the subchapter shall be made by reference to [§ 93.45](#)(N) and by the appropriate section of the foregoing Illinois Administrative Code.

(O) No person, firm or corporation shall handle, store or dispense liquefied petroleum gas without first obtaining an annual permit at a cost of \$100. The term of the annual permit shall be from May 1, to April 30 of the following year. No permit for liquefied petroleum dispensing shall be issued by the President and Board of Trustees unless the person(s), corporation, or business applying therefor shall have first procured public liability insurance in an amount of not less than \$1,000,000 for injuries, including accidental death, to any 1 person for each occurrence and \$3,000,000 aggregate and not less than \$1,000,000 for property damage for each occurrence and not less than \$3,000,000 combined single limit for bodily injury and property damage. The policy coverage shall include comprehensive form, premises-operations, explosion collapse hazard, fire hazard, products-completed operations, broad form property damage and independent contractors. The persons or parties to be indemnified and save harmless under the policy shall be the village and its officials and employees, customers, vendors and the public in general. A certificate of said insurance shall be filed with the Village Collector, showing a minimum duration of 1 year to be renewed when necessary, as determined by the Village Collector.

(Ord. 1990-O-1, passed 1-16-1990)

(1978 Code, § 6-4-1) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2000-O-35, passed 10-17-2000; Am. Ord. 2005-O-82, passed 11-1-2005)

HAZARDOUS MATERIALS RESPONSE

§ 93.60 DEFINITIONS.

For purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY ACTION. Any action taken at or near the scene of a hazardous materials incident to prevent or minimize harm to human health, to property, to the environment from the release of hazardous material, including responding to fires or explosions which are caused by or arise from the hazardous materials incident.

EMERGENCY RESPONSE AGENCY. Village of Wauconda and Wauconda Fire Department, Inc.

HAZARDOUS MATERIAL. A substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property when transported in commerce.

HAZARDOUS MATERIALS INCIDENT. An occurrence involving the potential or actual release of a hazardous material.

PERSON. An individual, a corporation, a partnership, an unincorporated association of any unit of federal, state or local government.

RESPONSIBLE PARTY or **RESPONSIBLE PARTIES.** A person who:

(1) Owns or has custody of hazardous material that is involved in an incident requiring emergency action by an emergency response agency.

(2) Causes or substantially contributes to the cause of the incident.

(1978 Code, § 6-5-1) (Ord. 1993-O-20, passed 6-15-93; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.61 REIMBURSEMENT TO EMERGENCY RESPONSE AGENCIES.

(A) The responsible party or parties shall reimburse the village and any other governmental agency or private entity providing any emergency action at the village's request for all costs incurred in providing such emergency action.

(B) Costs shall include, but are not limited to costs of material and supplies, contract labor and materials, compensation of personnel benefits, defined fringe benefits and overhead or administrative costs, equipment rental, cleanup expenses and the like.

(1978 Code, § 6-5-2) (Ord. 1993-O-20, passed 6-15-93; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.62 DETERMINATION OF EMERGENCY ACTION.

The Fire Chief, or in his absence, his next in command, shall have the authority to determine whether an incident requires emergency action, and to use his judgement as to the nature and extent of the services to be provided by the village and Fire Department within the capabilities, and whether to utilize other governmental agencies or private entities to provide emergency action.

(1978 Code, § 6-5-3) (Ord. 1993-O-20, passed 6-15-93; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.63 NOTIFICATION OF REIMBURSEMENT.

Within 90 days after providing emergency action, the village shall notify the responsible party or parties of the village's claim for reimbursement and shall furnish an itemized listing of the costs incurred. Furnishing such itemized list shall be deemed a request for reimbursement.

(A) If the responsible party or parties, as the case may be, do not reimburse the village within 30 days after the receipt of such claim for reimbursement, then the village is authorized to file suit in the Circuit Court of Lake County or in any other county where any responsible party resided to collect the amount due.

(B) The village is authorized to file suit on its own behalf and in behalf of any other governmental agencies or private entities who were requested to provide emergency action.

(C) Amounts due from a responsible party or parties shall bear interest at the rate of 10% per annum from the date of the emergency action until paid.

(D) In addition to all other amounts to which it is entitled, the village shall also be entitled to recover reasonable attorney's fees and all costs incurred in enforcing its rights under this subchapter.

(1978 Code, § 6-5-4) (Ord. 1993-O-20, passed 6-15-93; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.64 OTHER REMEDIES.

The remedies provided by this subchapter shall be in addition to any other remedies provided by law.

(1978 Code, § 6-5-5) (Ord. 1993-O-20, passed 6-15-93; Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

§ 93.99 PENALTY.

(A) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in [§ 10.99](#).

(B) (1) Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of [§§ 93.01 et seq.](#), including the codes adopted herein by reference, or who refuses to remedy a violation of same, or who shall build in violation of any detailed statement of specifications or plats submitted and approved thereunder, and/or certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the President and Board of Trustees or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be punishable by a fine of not less than \$10 nor more than \$500. The imposition of 1 penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 1977-O-9, passed 3-15-1977)

(1978 Code, § 6-2-10) (Ord. 1998-40, passed 11-3-1998; Am. Ord. 2005-O-82, passed 11-1-2005)

(C) That any person, firm or entity violating the terms and conditions of [§§ 93.60 et seq.](#) shall be subject to a fine not to exceed \$750 with each and every day that the violation is allowed to exist constituting distinct and separate offense under the terms of this chapter. In addition, the corporate authority may take whatever action it deems appropriate to enforce the terms of this chapter including an action for injunction. All attorney's fees and costs incurred by the municipality in enforcing the terms of this chapter shall be paid by the violator.

(Am. Ord. 2005-O-82, passed 11-1-2005)